

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nielsen *et al.*

Confirmation No. 5726

Serial No. 10/612,665

Art Unit: 1649

Filed: July 1, 2003

Examiner: Dutt, Aditi

For: RECOMBINANT TISSUE PROTECTIVE CYTOKINES AND ENCODING NUCLEIC ACIDS THEREOF FOR THE PROTECTION, RESTORATION AND ENHANCEMENT OF RESPONSIVE CELLS, TISSUES AND ORGANS

Attorney Docket No. 10165-022-999

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

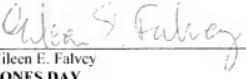
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated December 11, 2008 of the Primary Examiner finally rejecting Claims 54-58 and 71-73 of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time for responding to the final rejection for three (3) month(s):
 was filed on _____.
 is submitted herewith.
2. A timely response to the final rejection has been filed.
3. A fee in the amount of **\$540.00** is:
 Required.
 Not required (Fee paid in prior appeal).
4. Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of **\$270.00** is:
 Required.
 Not required (Fee paid in prior appeal).
5. Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: June 11, 2009


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(Reg. No.)

Enclosure

NYI-4191699v1